

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

EDWARD B. SPENCER,
Plaintiff,

v.

L. VALDEZ, et al.,
Defendants.

No. 1:23-cv-00357-JLT-SAB (PC)

ORDER SETTING DISPOSITIVE MOTION
DEADLINE

Plaintiff is proceeding pro se and in forma pauperis in this civil rights action filed pursuant to 42 U.S.C. § 1983.

On September 5, 2023, the Court issued the discovery and scheduling order, and Defendants filed a motion to revoke Plaintiff's in forma pauperis status on April 29, 2024-prior to the discovery deadline of May 5, 2024. (ECF Nos. 27, 29.)

On July 23, 2024, the Court revoked Plaintiff's in forma pauperis status and directed Plaintiff to pay the filing fee within 20 days. (ECF No. 38.)

On July 30, 2024, the Court granted Plaintiff's motion to stop the deduction of the filing fee for this action. (ECF No. 40.)

Plaintiff filed a notice of appeal on August 19 2025. (ECF No. 41.)

On September 4, 2025, the United States Court of Appeals for the Ninth Circuit granted Defendants' request to reversal and remand was granted pursuant to the decision in Spencer v.

1 Barajas, 140 F.4th 1061 (9th Cir. 2025), holding that Rule 41(a)(1) voluntary dismissals do not
2 count as strikes for purposes of 28 U.S.C. § 1915(g). (ECF No. 48.)

3 In light of the remand from the Ninth Circuit, the Court will amend the scheduling order.
4 Pursuant to the Court's September 3, 2023 scheduling order, the discovery deadline expired just
5 six days after Defendants filed their motion to revoke Plaintiff's in forma pauperis status, and no
6 discovery motions were filed. Accordingly, the Court presumes that discovery has been
7 conducted and is complete. Therefore, it is HEREBY ORDERED that:

- 8 1. The deadline for filing all dispositive motions (other than a motion for summary
9 judgment for failure to exhaust) is extended to **November 5, 2025**.
- 10 2. All other substantive provisions of the Court September 5, 2023 discovery and
11 scheduling order (ECF No. 27) remain in effect.¹

12 IT IS SO ORDERED.

13 Dated: **September 5, 2025**



14 STANLEY A. BOONE
15 United States Magistrate Judge
16
17
18
19
20
21
22
23
24
25
26

27 _____
28 ¹ By way of separate order, the Court ordered that Plaintiff's in forma pauperis status be reinstated.